

# Notice of Allowability

Application No.

09/964,910

Examiner

Dah-Wei D. Yuan

Applicant(s)

YAMAURA ET AL.

Art Unit

1745

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/14/05.
2. ☒ The allowed claim(s) is/are 8,10-14 and 16-26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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**GAS DIFFUSION ELECTRODE AND FUEL CELL INCLUDING SAME**

Examiner: Yuan      S.N. 09/964,910      Art Unit: 1745      January 3, 2006

**Detailed Action**

1. The Applicant's amendment filed on November 14, 2005 was received. Claims 8,14,21 were amended.

2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action issued on July 12, 2005.

***Examiner's Amendment***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. This application is in condition for allowance except for the presence of claims 27 to 32 non-elected without traverse. Accordingly, claims 27-32 are cancelled.

***Claim Rejections***

5. The claim rejections under 35 U.S.C. 103(a) as obvious over Fleckner et al., Ren et al. and Oyama et al. on claims 8,10,14,16-18,20,21,26 are withdrawn because the independent claims 8,14,21 have been amended. Support for the amendments can be found in page 7 of the

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specification. The claim rejections under 35 U.S.C. 103(a) as obvious over Fleckner et al., Ren et al. and Hager et al. on claims 11-13,19,22-25 are withdrawn because the independent claims 8,14,21 have been amended.

***Reasons for Allowance***

6. Claims 8,10-14,16-26 are allowed. The invention of independent claims 8,14,21 recites a gas diffusion electrode operable within a fuel cell having a proton conductor, wherein the gas diffusion electrode is adhered directly to the proton conductor and consisting essentially of a fibrous carbonaceous material, where the gas diffusion electrode has a thickness ranging from about 2 to about 4  $\mu\text{m}$ . The closest prior arts of record, Fleckner et al., and Ren et al., do not teach nor suggest the gas diffusion electrode is adhered directly to the proton conductor as stated in the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (571) 272-1295. The examiner can normally be reached on Monday-Friday (8:00-5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dah-Wei D. Yuan  
January 4, 2006



DAH-WEI YUAN  
PRIMARY EXAMINER